

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,) Case No. 2:12-cr-0004-APG-GWF
Plaintiff,)
vs.)
JORDAN GEORGIEVSKI,)
Defendant.)
)
**ORDER DENYING DEFENDANT'S
REQUEST TO REVIEW DETENTION
ORDER**
(ECF No. 1459)

Defendant Jordan Georgievski filed an objection to Magistrate Judge Foley's detention order under 18 U.S.C. § 3145 and Local Rule IB 3-5. ECF No. 1459. I review that order de novo. *United States v. Koenig*, 912 F.2d 1190, 1192-93 (9th Cir. 1990). Nevertheless, "the district court is not required to start over in every case, and proceed as if the magistrate [judge's] decision and findings did not exist. . . . It should review the evidence before the magistrate [judge] and make its own independent determination whether the magistrate [judge's] findings are correct, with no deference." *Id.*

Title 18 U.S.C. § 3142(g) requires me to consider four factors in determining whether to detain or release a defendant with conditions: “(1) the nature and circumstances of the offense charged,” (2) “the weight of the evidence against the person,” (3) “the history and characteristics of the person,” and (4) “the nature and seriousness of the danger to any person or the community that would be posed by the person’s release.” Having reviewed these factors and the relevant papers de novo, I find that Magistrate Judge Foley’s findings and analysis are correct and I adopt them as my own. *Koenig*, 912 F.2d at 1193 (“[T]he district court is to make its own ‘de novo’ determination of facts, whether different from or an adoption of the findings of the magistrate [judge].”).

As Magistrate Judge Foley recognized, as an alternative to full-time release Georgievski
1 can move for temporary release to assist in trial preparations under 18 U.S.C. § 3142(i). ECF No
2 1455 at 15-16. The Government is amenable to such an arrangement in principle. ECF No. 1464
3 at 18. A request for temporary release and transportation may be raised in an emergency motion
4 to Magistrate Judge Foley. *Id.*

IT IS THEREFORE ORDERED that defendant Georgievski's Objection (**ECF No. 1459**)
5 is OVERRULED and Magistrate Judge Foley's Order (**ECF No. 1455**) is AFFIRMED.
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DATED this 5th day of December, 2017.


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10 ANDREW P. GORDON
11 UNITED STATES DISTRICT JUDGE
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